

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 553 of 2020

1. Aman Nayak S/o Shri Kaushlal Nayak, Aged About 16 Years, R/o Tatibandh, Police Station Aamanaka, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Suraj Singh S/o Shri Sanjay Singh, Aged About 13 Years, R/o Tatibandh, Police Station Aamanaka, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Aamanaka, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri C.R. Sahu, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-10-2020

1. Heard.
2. This revision petition has been brought against the order dated 08-05-2020 passed in an unregistered criminal appeal by the Juvenile Court/ Additional Sessions Judge, F.T.C., Raipur, District Raipur, Chhattisgarh dismissing the appeal filed by the applicants and upholding the order of bail rejection passed by the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicants that both the applicants are child in conflict with law who have been falsely implicated. The social status report was in favour of the applicants and no circumstance was present to be regarded as any exception under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail prayer. Therefore, the Board as well as the appellate Court both have committed error in passing rejection orders. Therefore, interference is prayed for.
4. Learned counsel for the State/non-applicant opposes the submission

and submits that it is a case of heinous offence alleged to have been committed by these applicants, therefore, they are not entitled for grant of bail, hence, the Courts below have not committed any error.

5. Heard learned counsel for the parties and perused the documents.

6. Considered on the submissions and the facts of the case. Under the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, gravity of offence is never consideration for grant or rejected of bail. On perusal of the social status report it is found that the applicants were earlier engaged in study, but now they were engaged in labour work, being from economically weaker society. There is no criminal antecedent and the Probation Officer has also recommended to hand over the custody of the applicants to their parents. In the present application natural father of applicant No.1 and uncle of applicant No.2 is seeking their custody. Therefore, there had been a fit case in which the jurisdiction should have been exercised in favour of the applicants by the Courts below. Therefore, I feel inclined to allow this criminal revision.

7. Therefore, the revision petition is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicants is allowed. It is directed that on furnishing of a personal bond for each of the applicants in the sum of Rs.25,000/- by guardian father/uncle of the applicants with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicants as and when directed, the applicants shall be given in custody of their guardian father/uncle.

Sd/-
(Rajendra Chandra Singh Samant)
Judge